



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,252	04/05/2001	J. Charles Taylor	39292/256238	5171
30559 7590 12/27/2007 CHIEF PATENT COUNSEL SMITH & NEPHEW, INC. 1450 BROOKS ROAD MEMPHIS, TN 38116			EXAMINER EREZO, DARWIN P	
			ART UNIT 3773	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/827,252	TAYLOR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Darwin P. Erez	3773	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Darwin P. Erez. (3) Mike Bertelson, David Chambers.  
 (2) Rena Bailey. (4) Ed Austin.

Date of Interview: 18 December 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,36 and 45.

Identification of prior art discussed: Kalnberz et al. ('397).

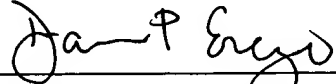
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

- A brief history of the invention was provided by Mr. Austin at the beginning of the interview.
- The differences between the prior art of record and the claimed invention were discussed, especially with regards to the arrangement of the struts relative to each other.
- The attorneys proposed amending the independent claims to include the limitation of the fixation plates being connected to each other by at least six substantially rigid, adjustable length struts, wherein each of the struts is disposed substantially diagonally with respect to its adjacent struts. It was argued that the Kalnberz reference fails to disclose a rigid strut that are disposed diagonally to each other.
- This proposed amendment appears to overcome the rejections under the Kalnberz reference.
- The amendment will be fully considered upon filing of the formal response to the Office action. In addition, an updated search of the prior art will also be performed.
- No indication of allowable subject matter was provided during the interview.